

9/2

## Notice of Allowability

### Application No.

09/699,732

### Examiner

Binta M Robinson

### Applicant(s)

HEARN, MICHAEL J.

### Art Unit

1625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 7/8/2004 and the IDS filed 12/15/03.
2. ☒ The allowed claim(s) is/are 17, 24, 25, 26, 27, 28, 29 now renumbered respectively ( as claims 1-7).
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

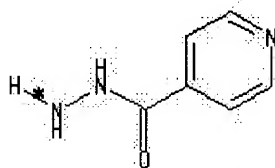
1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 12/15/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**REASONS FOR ALLOWANCE**

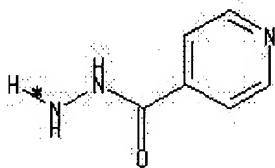
The following is an examiner's statement of reasons for allowance:

The IDS filed 12/15/03 has been considered and does not read on nor render obvious the claimed subject matter.

The closest prior art reference is Li et. al. (See Reference U). The difference between the Li process and the instantly claimed process is the solvent in which the

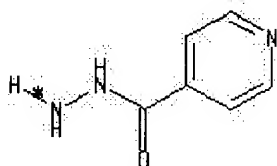


reactant compound, is refluxed with the carbonyl compound of formula 2; another primary difference between the two processes is the substitution on the N atom of the pyridyl ring of the product compound of formula I. In the instant



process, the compound is refluxed in absolute ethanol with the carbonyl compound of formula 2. Additionally, in the instant process, the pyridinyl ring of the product compound is unsubstituted. In the Li process,

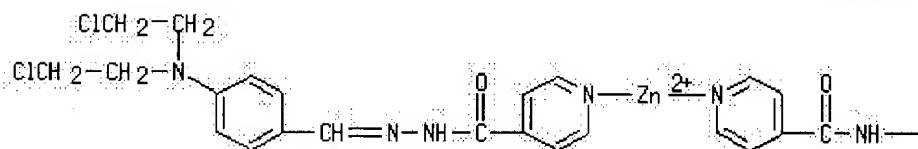
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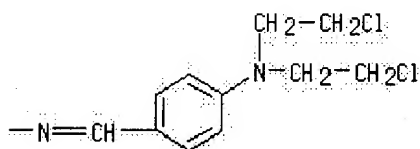
compound is refluxed in THF and  $\text{Zn}(\text{NO}_3)_2$  to give the product

CN Zinc(2+), bis[(4-pyridinecarboxylic acid- $\text{N}1$ ) [[4-[bis(2-chloroethyl)amino]phenyl]methylene]hydrazide]- (9CI) (CA INDEX NAME)  
 MF C34 H36 Cl4 N8 O2 Zn  
 CI CCS, COM  
 SR CA

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Where the nitrogen atom of the pyridyl moiety of the final product is substituted with a zinc(2+) 4-pyridinecarboxylic acid moiety. At Casreact 134:24806, see reaction 15.

The prior art reference does not teach nor suggest to one of ordinary skill in the art how to modify the prior art process to derive the instant process. Therefore, the instant claims are allowable therefrom.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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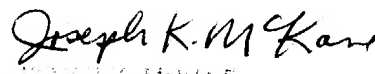
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binta M. Robinson whose telephone number is (571) 272-0692. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699.

A facsimile center has been established. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier numbers for accessing the facsimile machine are (703)308-4242, (703)305-3592, and (703)305-3014.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)-272-1600.

  
BMR  
July 9, 2004

  
JOSEPH K. MCKANE  
SENIOR PATENT EXAMINER  
TECHNOLOGY CENTER 1600